

Message Text

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ORIGIN DOE-15

INFO OCT-01 EUR-12 EA-10 ISO-00 OES-07 IO-13 L-03
ACDA-12 EB-08 DOEE-00 CIAE-00 INR-10 NSAE-00
NRC-05 SOE-02 DODE-00 SS-15 SP-02 CEQ-01 SSO-00
NSCE-00 INRE-00 /116 R

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APPROVED BY OES/NET/ D HOYLE
USDOE: DAS/P: H. D. BENGELSDORF
IO/SCT: A JILLSON
EA/J: D BROWN
OES/NET/EST: R LIIMATAINEN
L/OES: R SLOAN (INFO)
ACDA: T GRAHAM
T/D: D WELCH(INFO)
OES/NET: R R DELABARRE

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FM SECSTATE WASHDC
TO AMEMBASSY VIENNA IMMEDIATE
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C O N F I D E N T I A L STATE 105747

USIAEA

E.O. 11652: GDS

TAGS: PARM, TECH, IAEA, JA

SUBJECT: PROPOSED US/IAEA/JAPAN SUSPENSION PROTOCOL

REF: A) VIENNA 01936; B) VIENNA 01859;
C) STATE 004661

1. PREAMBLE PROPOSED BY JAPAN (REF A) IS ACCEPTABLE
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(ALTHOUGH WE PREFER VERSION PROPOSED BY US). HOWEVER,
WHILE WE APPRECIATE GOJ DESIRE FOR UNIFORMITY AND
SIMPLICITY IN PROTOCOLS SUSPENDING THE VARIOUS SAFEGUARDS
TRANSFER AGREEMENTS (STA'S) TO WHICH IT IS PARTY, WE
REGRET THAT WE ARE UNABLE TO ACCEPT GOJ LANGUAGE FOR
OPERATIVE PORTION OF SUBJECT PROTOCOL, FOR REASONS
EXPLAINED BELOW.

2. US POLICY REQUIRES THAT PROTOCOLS SUSPENDING OUR STA'S PROVIDE FOR SUSPENSION DURING THE TIME AND TO THE EXTENT THAT SAFEGUARDS SPECIFIED IN TREATY SAFEGUARDS AGREEMENTS ARE BEING APPLIED, NOT SIMPLY WHILE SUCH AGREEMENTS ARE IN FORCE. LANGUAGE PROPOSED BY GOJ PROVIDES SIMPLY THAT STA SAFEGUARDS SHALL BE SUSPENDED WITH RESPECT TO JAPAN WHILE THE GOJ TREATY SAFEGUARDS AGREEMENT IS IN FORCE (AND, FOR US, WHILE THE US-IAEA SAFEGUARDS AGREEMENT IS IN FORCE). THEREFORE WE MUST REQUEST RETENTION OF OPERATIVE

PARA 2 AS GIVEN IN REF C (IDENTICAL TO PARA 3 IN REF B).

3. USG REQUEST FOR INCLUSION OF REAFFIRMATION OF US-GOJ UNDERSTANDING IN SUBJECT PROTOCOL THAT USES PRECLUDED BY ARTICLE X OF OUR AGREEMENT FOR COOPERATION INCLUDE USE FOR ANY NUCLEAR EXPLOSIVE DEVICE OR R & D ON ANY NUCLEAR EXPLOSIVE DEVICE, DOES NOT IN ANY WAY REFLECT U.S. CONCERN THAT JAPAN MIGHT EVER ACT IN MANNER INCONSISTENT WITH THAT UNDERSTANDING. MISSION SHOULD EMPHASIZE THAT WE RECOGNIZE AND VALUE JAPAN'S SUPPORT IN EFFORTS TO ASSURE THAT INTERNATIONAL COOPERATION IN CIVIL USES OF NUCLEAR ENERGY DOES NOT IN ANY WAY CONTRIBUTE TO THE DEVELOPMENT OF NUCLEAR EXPLOSIVE DEVICES FOR ANY PURPOSE. HOWEVER, JAPANESE REAFFIRMATION WOULD SERVE AS EXCELLENT EXAMPLE FOR OTHER NATIONS TO FOLLOW, CONSISTENT WITH PRESENT USG POLICY
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OF INCORPORATING EXPLICIT ASSURANCES ON THIS POINT IN ALL NEW AGREEMENTS FOR COOPERATION OR AMENDMENTS (AS REQUIRED BY THE NUCLEAR NON-PROLIFERATION ACT OF 1978), STA'S OR PROTOCOLS SUSPENDING STA'S. MOREOVER, REAFFIRMATION WOULD WORK TO JAPANESE ADVANTAGE IN ALLOWING USG TO EXPEDITE APPLICATIONS FOR EXPORT OF NUCLEAR MATERIAL TO JAPAN BECAUSE IT WOULD EXPLICITLY CONFORM TO PROVISIONS OF THE NUCLEAR NON-PROLIFERATION ACT.

4. HOWEVER, WE APPRECIATE JAPAN'S CALLING ATTENTION TO LANGUAGE OF ARTICLE 14 OF ITS TREATY SAFEGUARDS AGREEMENT, AS DISTINGUISHED FROM STANDARD INFCIRC/153 PROVISION, AND WE RECOGNIZE THAT THIS MUST BE TAKEN INTO ACCOUNT. ACCORDINGLY, WE PROPOSE THAT LANGUAGE FOR FIRST PART OF OPERATIVE PARAGRAPH 3, AS GIVEN IN REF C, BE CHANGED TO READ QUOTE: IN THE EVENT THAT JAPAN INTENDS TO EXERCISE ITS DISCRETION IN ACCORDANCE WITH ARTICLE 14 OF THE TREATY SAFEGUARDS AGREEMENT TO USE NUCLEAR MATERIAL WHICH IS REQUIRED TO BE SAFEGUARDED UNDER THAT AGREEMENT IN AN ACTIVITY WHICH DOES NOT REQUIRE THE APPLICATION OF SAFEGUARDS UNDER THAT AGREEMENT, THE GOVERNMENT OF JAPAN WILL SATISFY THE AGENCY AND THE GOVERNMENT OF THE UNITED STATES

OF AMERICA THAT UNQUOTE. BALANCE OF OPERATIVE PARA 3 SHOULD BE AS GIVEN REF C. NOTE: BALANCE OF OPERATIVE PARA 3 AS PROPOSED BY AGENCY (REF B) WOULD NOT REPEAT NOT BE ACCEPTABLE, BECAUSE AGENCY OMITTED CLAUSE QUOTE AND THAT NO MATERIAL, INCLUDING EQUIPMENT AND DEVICES, TRANSFERRED FROM THE UNITED STATES OF AMERICA TO JAPAN UNDER THE AGREEMENT FOR COOPERATION ARE INVOLVED IN SUCH USE UNQUOTE. INCLUSION OF THIS CLAUSE IS NECESSARY, CONSISTENT WITH GUARANTEES AND SAFEGUARDS PROVISIONS OF US-JAPAN BILATERAL AGREEMENT AND STA.

5. FOR ENTRY-INTO-FORCE PARA 4, WE PREFER MORE SPECIFIC LANGUAGE REGARDING SIGNATURE, I.E., QUOTE THIS

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PTOTOCOL SHALL ENTER INTO FORCE UPON SIGNATURE BY OR FOR THE DIRECTOR GENERAL OF THE AGENCY AND BY THE AUTHORIZED REPRESENTATIVES OF THE GOVERNMENT OF JAPAN AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA UNQUOTE. PROVISION CONCERNING DURATION SEEMS UNNECESSARY. HOWEVER, IF JAPAN DESIRES THIS, WE HAVE NO REPEAT NO OBJECTION.

6. TITLE PROPOSED BY IAEA (REF B) IS ACCEPTABLE AND IS CONSIDERED AN IMPROVEMENT OVER OURS. VANCE

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Message Attributes

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